

FILED

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2008 SEP 22 PM 4:14

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY \_\_\_\_\_

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13                  admission pending)  
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15                  Attorneys for BANK OF CHINA  
16                  LIMITED

17                  UNITED STATES DISTRICT COURT  
18                  CENTRAL DISTRICT OF CALIFORNIA

19                  RUTHIE ZAHAVI as an individual and as  
20                  statutory representative of the Estate of  
21                  AFIK ZAHAVI; EDWARD YOUSEFOV  
22                  as an Individual and as statutory  
23                  representative of the Estate of  
24                  MORDECHAI YOUSEFOV; ALBINA  
25                  IVRAGIMOV as an Individual and as  
26                  statutory representative of the Estate of  
27                  MORDECHAI YOSEFOV; RAYA  
28                  TAMAROV; KEREN ELMALIACH as  
                        an Individual, as statutory representative  
                        of the Estate of EMI ELMALIACH and as  
                        natural guardian of plaintiff; J. E., a minor;  
                        JACOB ELMALIACH; ARLETTE  
                        ELMALIACH; SHANI BEN SAADON as  
                        an Individual, as statutory representative  
                        of the Estate of MICHAEL BEN  
                        SAADON and as natural guardian of  
                        plaintiff; N. B. S., a minor; ARLETTE  
                        BEN SAADON; ARIK BEN SAADON;  
                        IRIS BEN SAADON; ETTIE BELASON  
                        as an Individual, as statutory  
                        representative of the Estate of PHILIP  
                        BELASON and as natural guardian of  
                        plaintiffs U. B., a minor; L. B., a minor;

Case No.

**CV08-06236**

R  
**NOTICE OF REMOVAL** **(IC)**  
**PURSUANT TO 28 U.S.C. § 1441(a)(3)**  
**ORIGINAL JURISDICTION**

1 LIRAN BELASON; LITAL BELASON;  
2 MIRI EREZ as an individual and as  
statutory representative of the estate of  
3 VICTOR EREA; AVIV EREA; TAL  
EREZ; HADAR EREZ; KEREN  
HAMILAS; MENACHEM YUNES as an  
4 Individual, as statutory representative of  
the Estate of LILY YUNES and as natural  
5 guardian of plaintiff, T. Y., a minor;  
ASSAF YUNES; BAT EL YUNES;  
6 LIDOR YUNES; MIRAIM AMAR as an  
Individual and as statutory representative  
of the Estate of BENJAMIN HAFUTA;  
SUSAN REVIVO as an Individual and as  
7 statutory representative of the Estate of  
BENJAMIN JAFUTA; TITI GOLDBERG  
as an Individual and as statutory  
representative of the Estate of BENJAMIN  
8 HAFUTA; RACHEL COHEN as an  
Individual and as statutory representative  
of the Estate of BENJAMIN HAFUTA;  
JACKIE HAFUTA as an Individual and as  
9 statutory representative of the Estate of  
BENJAMIN HAFUTA; PROSPER  
HAFUTA as an Individual and as statutory  
representative of the Estate of BENJAMIN  
10 HAFUTA; RADMILLA SHAULOV as an  
Individual, as statutory representative of  
the Estate of DAVID SHAULOV and as  
natural guardian of plaintiffs; I. S., a  
11 minor; K. S., a minor; E. S., a minor;  
MAYA ANIDZAR as an Individual and as  
12 statutory representative of the Estate of  
LIOR ELIAHU ANIDZAR; YOSSI  
13 ANIDZAR; YVONNE ANIDZAR;  
DAVID ANIDZAR; DALIA AMAR;  
14 PURIM YAAKOB OV as an Individual, as  
statutory representative of the Estate of  
15 YAAKOV YAAKOB OV and as natural  
guardian of plaintiffs; S. Y., a minor; C.  
16 Y., a minor; AMIR RAGOLSKY as an  
Individual and as statutory representative  
of the Estate of DANA GALKOWICZ;  
PERLA GALKOWICZ; NATAN  
17 GALKOWICZ; SHARON GALKOWICZ;  
ORIAN GALKOWICZ; MICHAEL  
21 SLUTZKER as an Individual and as  
statutory representative of the Estate of  
FATIMA SLUTZKER; NATALIA  
22 SLUTZKER; IGOR SLUTZKER;  
YONATAN ABUKASIS as an Individual,  
as statutory representative of the Estate of  
23 ELLA ABUKASIS and as natural  
guardian of plaintiff YAAKOV TAMIR  
ABUKASIS; SIMA ABUKASIS as an  
Individual, as statutory representative of

1 the Estate of ELLA ABUKASIS and as  
2 natural guardian of plaintiff; Y. T. A., a  
3 minor; KEREN ABUKASIS; SHLOMIT  
4 ABUKASIS; AVRAHAM COHEN as an  
5 Individual and as natural guardian of  
6 plaintiff; COREEN COHEN, as an  
7 individual and as natural guardian of  
plaintiff; M. C., a minor; HILLEL  
BASAD as an Individual and as natural  
guardian of plaintiff; BRURIA BASAD as  
an individual and as natural guardian of  
plaintiff; A. B., a minor; and  
YCHANAN COHEN,

8 Plaintiffs,

9 vs.

10 BANK OF CHINA LIMITED, 444 South  
11 Flower St., 39th Floor Los Angeles,  
California 90071,

12 Defendant.

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1           **TO THE CLERK OF THE ABOVE-CAPTIONED COURT:**

2           PLEASE TAKE NOTICE that Defendant Bank of China Limited (the “Bank of  
3 China”), by and through its counsel, K&L Gates LLP, 10100 Santa Monica Boulevard,  
4 seventh floor, Los Angeles, CA 90067, pursuant to 28 U.S.C. §§ 1441 and 1446,  
5 hereby removes this action from the Superior Court of the State of California for the  
6 County of Los Angeles, to the United States District Court for the Central District of  
7 California on the following grounds:

8           1. On or about August 21, 2008, Plaintiffs commenced this action by filing a  
9 Summons and Complaint in the Superior Court of the State of California for the  
10 County of Los Angeles, entitled Zahavi et al. v. Bank of China Ltd., Case No.  
11 BC396714 (“Zahavi” or the “State Court Action”).

12           2. On August 22, 2008, the Bank of China was served with the Summons  
13 and Complaint in the State Court Action by personal service at its office at 444 South  
14 Flower St., 39<sup>th</sup> Floor, Los Angeles, California 90071.

15           3. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely since it  
16 is filed within thirty (30) days of the Bank of China’s receipt of the Summons and  
17 Complaint.

18           4. Pursuant to 28 U.S.C. § 1446(a), a copy of Plaintiffs’ Summons and  
19 Complaint in the State Court Action is annexed hereto as Exhibit A and constitutes all  
20 process, pleadings, and orders served upon the Bank of China in the State Court  
21 Action. Counsel for Plaintiffs and the Bank of China have agreed that the Bank of  
22 China’s time to answer, move against or otherwise respond to Plaintiffs’ Complaint  
23 shall be extended to, and including, October 22, 2008.

24           5. This action is removable to this Court under 28 U.S.C. §§ 1441(a) and  
25 1446(a) because the Central District of California embraces the place where the State  
26 Court Action is pending.

27           6. Count II of the Zahavi Complaint alleges “Breach of Statutory Duty”.  
28 The specific statutory duties allegedly breached are the following laws of the United

1 States: 18 U.S.C. §§ 2331-2339, 31 U.S.C. § 5311 *et seq.*, and 31 C.F.R. Part 103.  
 2 The alleged violations of these U.S. laws are alleged to constitute a violation of Civil  
 3 Wrongs Ordinance Section 63 of the laws of the State of Israel. (Compl. ¶¶ 98-107.)

4       7. As discussed more fully below, this Court has federal question  
 5 jurisdiction over Count II pursuant to 28 U.S.C. § 1331 because that claim arises under  
 6 the laws of the United States. This Court also has supplemental jurisdiction over the  
 7 remaining two claims pursuant to 28 U.S.C. § 1337 because they arise from the same  
 8 case or controversy as Count II.

9 **I. ALLEGATIONS SET FORTH IN THE COMPLAINT**

10     8. According to the allegations in the Complaint, plaintiffs seek to hold the  
 11 Bank of China liable for damages alleged to be the result of terrorist attacks that  
 12 occurred between May 13, 2004 and January 29, 2007 and are alleged to have been  
 13 carried out by the Palestine Islamic Jihad (“PIJ”) and Hamas terrorist organizations.  
 14 The basis for liability alleged in the Complaint is that the Bank of China “intentionally,  
 15 recklessly and or [sic] negligently provided extensive banking services to the Palestine  
 16 Islamic Jihad and to Hamas, which banking services caused, enabled and facilitated the  
 17 terrorist attacks in which the plaintiffs and their decedents were harmed and killed.”  
 18 (Compl. ¶¶ 2-3.)

19     9. Plaintiffs’ theory of liability is limited to wire transfers the Bank of China  
 20 allegedly executed with respect to a single account of a single bank customer of a Bank  
 21 of China branch in China. (Compl. ¶¶ 65-80.) The Complaint further alleges, without  
 22 setting forth any specific facts in support of the allegations, that as a result of these  
 23 wire transfers, “the PIJ and Hamas were able to transfer millions of dollars in funds to  
 24 their terrorist leadership . . . which substantially increased and facilitated their ability  
 25 to plan and carry out terrorist attacks, including the Terrorist Attacks in which the  
 26 instant plaintiffs were harmed . . . .” (Compl. ¶ 77.)

27     10. Based on these allegations, the Complaint alleges three causes of action  
 28 against the Bank of China, all pleaded under Israeli law: negligence (Count I) (Compl.

1 ¶¶ 84-97); breach of statutory duty (Count II) (Compl. ¶¶ 98-107); and vicarious  
 2 liability (Count III) (Compl. ¶¶ 108-113).

3 **II. REMOVAL OF THIS ACTION IS PROPER BECAUSE COUNT II**  
 4 **ARISES UNDER FEDERAL LAW AND FORMS THE SAME CASE OR**  
 5 **CONTROVERSY AS THE REMAINING TWO CLAIMS**

6 11. It is well established that an action may be removed to federal court on the  
 7 basis of a claim made in state court which “necessarily raise[s] a stated federal issue,  
 8 actually disputed and substantial, which a federal forum may entertain without  
 9 disturbing any congressionally approved balance of federal and state judicial  
 10 responsibilities.” Grable & Sons Metal Prods., Inc. v. Darue Eng’g & Mfg., 545 U.S.  
 11 308, 314 (2005). Removal is proper here because Count II (1) necessarily raises a  
 12 stated federal issue (2) that is actually disputed and substantial, and (3) resolution of  
 13 that issue by this Court would not disturb any congressionally approved balance of  
 14 federal and state judicial responsibilities.

15 12. Count II alleges that the Bank of China violated U.S. federal laws,  
 16 including the Anti-Terrorism Act, the Bank Secrecy Act, and regulations issued by the  
 17 Department of the Treasury. (Compl. ¶ 102.) Although this cause of action is pleaded  
 18 under Israeli law, the sole basis for relief depends wholly on resolution of the  
 19 allegation that the Bank of China violated obligations imposed on it by U.S. law.  
 20 Plaintiffs must establish that the Bank of China violated these federal laws to prevail  
 21 on this claim. Therefore, this claim necessarily presents a federal issue.

22 13. A separate and independent basis of federal question jurisdiction is that  
 23 this claim involves 18 U.S.C. § 2338, which provides that the federal courts of the  
 24 United States have exclusive jurisdiction over actions brought under the Anti-  
 25 Terrorism Act.

1       14. Second, the issue of whether the Bank of China violated those federal  
2 laws is actually disputed and substantial.<sup>1</sup> Whether the Bank of China's alleged  
3 conduct of executing wire transfers violated federal laws is a substantial issue because  
4 it is the type of conduct engaged in by banks generally and is not specific to the Bank  
5 of China. Therefore, resolution of this issue affects the degree to which any bank  
6 operating in the United States may provide financial services to its account holders. It  
7 is also substantial because it affects the degree to which U.S. federal laws regulate the  
8 conduct of foreign banks. Resolution of this issue, therefore, will have a serious and  
9 widespread impact on the operations of all foreign banks operating within the United  
10 States.

11       15. Finally, by deciding this issue, this Court would not disturb any  
12 congressionally approved balance of federal and state judicial responsibilities. The  
13 Anti-Terrorism Act expressly provides federal courts with exclusive jurisdiction over  
14 matters requiring resolution of that statute (18 U.S.C. § 2338). Accordingly, Congress  
15 intended claims that the Anti-Terrorism Act has been violated to be brought in federal  
16 court.

17       16. Because Count II necessarily raises a stated federal issue that is actually  
18 disputed and substantial, and resolution of that issue by this Court would not disturb  
19 any congressionally approved balance of federal and state judicial responsibilities, this  
20 case satisfies the removal standard. Grable, 543 U.S. at 314.

21       17. Because Count II arises under the laws of the United States, this Court has  
22 original, federal question jurisdiction over this matter pursuant to 28 U.S.C. § 1331.

23       18. Federal question jurisdiction over one of the three claims presented in the  
24 Complaint is sufficient to remove the entire action. 28 U.S.C. § 1367 (authorizing  
25 supplemental jurisdiction over related claims). So long as the other claims arise out of  
26

27       1 The Bank of China will address its defenses to this action and its responses to the  
28 Complaint when it answers or otherwise responds to the Complaint after filing this  
Notice of Removal. Fed. R. Civ. P. 81(c).

1 the same case or controversy as Count II, this Court has supplemental jurisdiction over  
2 Counts I and III pursuant to 28 U.S.C. § 1337. Because all three claims are based on  
3 the same factual allegations, this Court has supplemental jurisdiction over Counts I  
4 and III.

5 **III. CONCLUSION**

6 19. By filing this Notice of Removal, the Bank of China does not waive any  
7 defense that may be available to it.

8 20. A copy of this Notice will be filed with the Clerk of the Superior Court of  
9 the State of California for the County of Los Angeles, as required by 28 U.S.C.  
10 § 1446(d).

11 21. The Bank of China will serve this Notice of Removal on counsel for  
12 Plaintiffs: Federico C. Sayre, Esq., Law Offices of Federico C. Sayre, 900 N.  
13 Broadway, 4<sup>th</sup> Floor, Santa Ana, CA 92701, as required by 28 U.S.C. § 1446(d).

14 22. This Notice of Removal is signed pursuant to Rule 11 of the Federal  
15 Rules of Civil Procedure, and is filed with this Court within thirty (30) days after the  
16 Bank of China received the Summons and Complaint in the State Court Action.

17 WHEREFORE, Defendant the Bank of China respectfully requests removal of  
18 this action from the Superior Court of the State of California for the County of Los  
19 Angeles, to the United States District Court for the Central District of California.

20  
21 Dated: September 22, 2008

K&L GATES LLP

22 By:

Dennis M.P. Ehling  
dennis.ehling@klgates.com  
Hector H. Espinosa  
hector.espinosa@klgates.com

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27  
28  
Walter P. Loughlin (*pro hac vice*  
admission pending)

Attorneys for BANK OF CHINA  
LIMITED

# **EXHIBIT A**

**SUMMONS****(CITACION JUDICIAL)****NOTICE TO DEFENDANT:****(AVISO AL DEMANDADO):**

BANK OF CHINA LIMITED 444 South Flower St., 39th  
Floor Los Angeles, California 90071

SUM-100

FOR COURT USE ONLY  
SOLO PARA USO DE LA CORTE.**CONFORMED COPY**  
OF ORIGINAL FILED  
Los Angeles Superior Court

AUG 21 2008

John A. Clarke, Executive Officer/Clerk

MAY SHALINI WESLEY, Deputy

**YOU ARE BEING SUED BY PLAINTIFF:****(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

RUTHIE ZAHAVI as an individual and as statutory  
representative of the Estate of AFIK ZAHAVI;

(See Attachment to Summons)

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol](http://www.courtinfo.ca.gov/selfhelp/espanol)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol](http://www.courtinfo.ca.gov/selfhelp/espanol)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):  
LOS ANGELES SUPERIOR COURT  
111 NORTH HILL STREET

CASE NUMBER:  
(Número del Caso)

LOS ANGELES, CA 90012-3117  
CENTRAL DISTRICT

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
FEDERICO C. SAYRE, ESQ. (SBN 067420)  
LAW OFFICES OF FEDERICO C. SAYRE  
900 N. Broadway, 4th Floor

DATE:

(Fecha)

Clerk, by \_\_\_\_\_

Deputy

Adjunto

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons. (POS-010).)

**NOTICE TO THE PERSON SERVED:** You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):

under: CCP 416.10 (corporation)

CCP 416.20 (defunct corporation)

CCP 416.40 (association or partnership)

other (specify):

CCP 416.60 (miner)

CCP 416.70 (conservator)

CCP 416.90 (authorized person)

4. by personal delivery on (date):

**SUMMONS**Legal  
Solutions  
& Plus

Page 1 of 1

PETITIONER PLAINTIFF: RUTHIE ZAHAVI, et al  
 RESPONDENT DEFENDANT: BANK OF CHINA, et al

CASE NUMBER

## ATTACHMENT TO SUMMONS

EDWARD YOSEFCV as an Individual and as statutory representative of the Estate of MORDECHAI YOSEFCV; ALBINA IVRAGIMOV as an Individual and as statutory representative of the Estate of MORDECHAI YOSEFCV; RAYA TAMARCV; KEREN ELMALIACH as an Individual, as statutory representative of the Estate of EMI ELMALIACH and as natural guardian of plaintiff JAN ELMALIACH; JAN ELMALIACH, a minor; JACOB ELMALIACH; ARLETTE ELMALIACH; SHANI BEN SAADON as an Individual, as statutory representative of The Estate of MICHAEL BEN SAADON and as natural guardian of plaintiff NEHORAI BEN SAADON; NEHORAI BEN SAADON, a minor; ARLETTE BEN SAADON; ARIK BEN SAADON; IRIS BEN SAADON; ETTIE BELASON as an Individual, as statutory representative of the Estate of PHILIP BELASON and as natural guardian of plaintiffs URI BELASON and LINOR BELASON; URI BELASON, a minor; LINOR BELASON, a minor; LIRAN BELASON; LITAL BELASON; MIRI EREZ as an Individual and as statutory representative of the Estate of VICTOR EREZ; AVIV EREZ; TAL EREZ; HADAR EREZ; KEREN HAMIAS; MENACHEM YUNES as an Individual, as statutory representative of the Estate of LILY YUNES and as natural guardian of plaintiff TSACH YUNES; TSACH YUNES, a minor; ASSAF YUNES; BAT EL YUNES; LIDOR YUNES; MIRAIM AMAR as an Individual and as statutory representative of the Estate of BENJAMIN HAFUTA; SUSAN REVIVO as an Individual and as statutory representative of the Estate of BENJAMIN HAFUTA; TITI GOLDBERG as an Individual and as statutory representative of the Estate of BENJAMIN HAFUTA; RACHEL COHEN as an Individual and as statutory representative of the Estate of BENJAMIN HAFUTA; BENJAMIN HAFUTA; JACKIE HAFUTA as an Individual and as statutory representative of the Estate of BENJAMIN HAFUTA; PROSPER HAFUTA as an Individual and as statutory representative of the Estate of BENJAMIN HAFUTA; RADMILLA SHAULOV as an Individual, as statutory representative of the Estate of DAVID SHAULOV and as natural guardian of plaintiffs IDAN SHAULOV, KARIN SHAULOV and EDEN SHAULOV; IDAN SHAULOV, a minor; KARIN SHAULOV, a minor; EDEN SHAULOV, a minor; MAYA ANIDZAR as an Individual and as statutory representative of the Estate of LIOR ELIAHU ANIDZAR; YOSSI ANIDZAR; YVONNE ANIDZAR; DAVID ANIDZAR; DALIA AMAR; PURIM YAAKOOV as an Individual, as statutory representative of the Estate of YAAKOOV YAAKOOV and as natural guardian of plaintiffs SALOMON YAAKOOV and CHANUKA YAAKOOV; SALOMON YAAKOOV, a minor; CHANUKA YAAKOOV, a minor; AMIR RAGOLSKY as an Individual and as statutory representative of the Estate of DANA GALKOWICZ; PERLA GALKOWICZ; NATAN GALKOWICZ; SHARON GALKOWICZ; ORIAN GALKOWICZ; MICHAEL SLUTZKER as an Individual and as statutory representative of the Estate of FATIMA SLUTZKER; NATALIA SLUTZKER; IGOR SLUTZKER; YONATAN ABUKASIS as an Individual, as statutory representative of the Estate of ELLA ABUKASIS and as natural guardian of plaintiff YAAKOOV TAMIR ABUKASIS; SIMA ABUKASIS as an Individual, as statutory representative of the Estate of ELLA ABUKASIS and as natural guardian of plaintiff YAAKOOV TAMIR ABUKASIS; RON ABUKASIS; YAAKOOV TAMIR ABUKASIS, a minor; KEREN ABUKASIS; SHLCMIT ABUKASIS; AVRAHAM COHEN as an Individual and as natural guardian of plaintiff MATAN COHEN; COREEN COHEN as a minor; HILLEL BASAD as an Individual and as natural guardian of plaintiff MATAN COHEN; MATAN COHEN, ADIR BASAD; BRURIA BASAD as an Individual and as natural guardian of plaintiff ADIR BASAD; ADIR BASAD, a minor; and YOCHANAN COHEN,

Federico Castelan Sayre, SBN 067420  
**LAW OFFICES OF FEDERICO CASTELAN SAYRE**  
900 North Broadway, 7<sup>th</sup> Floor  
Santa Ana, California 92701  
Telephone: (714) 550-9117  
Facsimile: (714) 550-9125

Attorneys for Plaintiff's

**CONFORMED COPY**  
~~SAY RE~~ ORIGINAL FILED  
Los Angeles Superior Court

AUG 21 2008

John A. Clarke, Executive Officer Clerk  
BY SHAWN VESLEY, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

EC396/14

RUTHIE ZAHAVI as an Individual and as statutory representative of the Estate of AFIK ZAHAVI; EDWARD YOSEFOV as an Individual and as statutory representative of the Estate of MORDECHAI YOSEFOV; ALBINA IVRAGIMOV as an Individual and as statutory representative of the Estate of MORDECHAI YOSEFOV; RAYA TAMAROV; KEREN ELMALIACH as an Individual, as statutory representative of the Estate of EMI ELMALIACH and as natural guardian of plaintiff JAN ELMALIACH; JAN ELMALIACH, a minor; JACOB ELMALIACH; ARLETTE ELMALIACH; SHANI BEN SAADON as an Individual, as statutory representative of the Estate of MICHAEL BEN SAADON and as natural guardian of plaintiff NEHORAI BEN SAADON; NEHORAI BEN SAADON, a minor; ARLETTE BEN SAADON; ARIK BEN SAADON; IRIS BEN SAADON; ETTIE BELASON as an Individual, as statutory representative of the Estate of PHILIP BELASON and as natural guardian of plaintiff URI BELASON and LINOR BELASON; URI BELASON, a minor; LINOR BELASON, a minor; LIRAN BELASON; LITAL BELASON; MIRI EREZ as an Individual and as statutory representative of the Estate of VICTOR EREZ; AVIV EREZ; LITAL EREZ; HADAR

) CASE NO.:

) **PLAINTIFFS' COMPLAINT FOR  
DAMAGES FOR WRONGFUL DEATH  
AND PERSONAL INJURY**

- ) 1) NEGLIGENCE UNDER ISRAELI LAW;
- ) 2) BREACH OF STATUTORY DUTY UNDER ISRAELI LAW;
- ) 3) VICARIOUS LIABILITY UNDER ISRAELI LAW;

**DEMAND FOR JURY TRIAL.**

1 EREZ; KEREN HAMIAS; MENACHEM )  
2 YUNES as an Individual, as statutory )  
representative of the Estate of LILY YUNES )  
3 and as natural guardian of plaintiff TSACH )  
YUNES; TSACH YUNES, a minor; ASSAF )  
4 YUNES; BAT EL YUNES; LIDOR YUNES; )  
MIRAIM AMAR as an Individual and as )  
5 statutory representative of the Estate of )  
BENJAMIN HAFUTA; SUSAN REVIVO as )  
6 an Individual and as statutory representative )  
of the Estate of BENJAMIN HAFUTA; TITI )  
7 GOLDBERG as an Individual and as statutory )  
representative of the Estate of BENJAMIN )

1 YONATAN ABUKASIS as an Individual, as )  
2 statutory representative of the Estate of ELLA )  
3 ABUKASIS and as natural guardian of )  
4 plaintiff YAAKOV TAMIR ABUKASIS; )  
5 SIMA ABUKASIS as an Individual, as )  
6 statutory representative of the Estate of ELLA )  
7 ABUKASIS and as natural guardian of )  
8 plaintiff YAAKOV TAMIR ABUKASIS; )  
9 RON ABUKASIS; YAAKOV TAMIR )  
10 ABUKASIS, a minor; KEREN ABUKASIS; )  
11 SHLOMIT ABUKASIS; AVRAHAM )  
12 COHEN as an Individual and as natural )  
13 guardian of plaintiff MATAN )  
14 COHEN; COREEN COHEN as an Individual )  
15 and as natural guardian of plaintiff MATAN )  
16 COHEN; MATAN COHEN, a minor; )  
17 HILLEL BASAD as an Individual and as )  
18 natural guardian of plaintiff ADIR )  
19 BASAD; BRURIA BASAD as an Individual )  
20 and as natural guardian of plaintiff ADIR )  
21 BASAD; ADIR BASAD, a minor; and )  
22 YOCHANAN COHEN, )  
23 Plaintiffs, )  
24 vs. )  
25 BANK OF CHINA LIMITED )  
26 444 South Flower St., 39<sup>th</sup> Floor )  
27 Los Angeles, California 90071 )  
28 Defendant. )

22 Plaintiffs complain and allege as follows:

23 **INTRODUCTION**

24 1. This is a civil action for a money judgment arising from a series of terrorist  
25 attacks on civilians in Israel carried out by the Palestine Islamic Jihad and Hamas terrorist  
26 organizations between May 13, 2004 and January 29, 2007.

27 2. The plaintiffs are persons injured in the aforementioned terrorist attacks and/or  
28 the family members and statutory representatives of the estates of persons killed in the attacks.

3. Defendant BANK OF CHINA LIMITED intentionally, recklessly and or  
4. negligently provided extensive banking services to the Palestine Islamic Jihad and to Hamas,  
5. which banking services caused, enabled and facilitated the terrorist attacks in which the plaintiffs  
6. and their decedents were harmed and killed.

PARTIES

4. All plaintiffs are, and at all times mentioned herein were, domiciliaries of the  
State of Israel.

8       5. All decedents were at the time of their deaths domiciliaries of the State of California.

9       6. Plaintiff RUTHIE ZAHAVI is the mother of decedent AFIK ZAHAVI. Plaintiff  
10 RUTHIE ZAHAVI suffered severe physical injuries and AFIK ZAHAVI was killed in a rocket  
11 attack carried out by the Hamas terrorist organization in Sderot, Israel on June 28, 2004  
12 (hereinafter: June 28, 2004 attack). Plaintiff RUTHIE ZAHAVI is the surviving heir at law of  
13 AFIK ZAHAVI under the State of Israel's *Inheritance Law, 5725 - 1965* (hereinafter:  
14 Inheritance Law) and is authorized by the provisions of Part 5 of the Inheritance Law to bring  
15 this action on behalf of the Estate of AFIK ZAHAVI.

16       7. Plaintiffs EDWARD YOSEFOV and ALBINA IVRAGIMOV are the son and  
17 daughter of decedent MORDECHAI YOSEFOV, who was killed in the June 28, 2004 attack.  
18 Plaintiff EDWARD YOSEFOV and ALBINA IVRAGIMOV are surviving heirs at law of  
19 MORDECHAI YOSEFOV under the Inheritance Law and are authorized by the provisions of  
20 Part 5 of the Inheritance Law to bring this action on behalf of the Estate of MORDECHAI  
21 YOSEFOV.

22       8. Plaintiff RAYA TAMAROV is the former wife of decedent MORDECHAI  
23 YOSEFOV.

24       9. Plaintiff KEREN ELMALIACH is the widow of decedent EMI ELMALIACH,  
25 who was killed in a terrorist bombing carried out by the Palestine Islamic Jihad ("PIJ") terrorist  
26 organization in Eilat, Israel, on January 29, 2007 (hereinafter: January 29, 2007 bombing).  
27 Plaintiff KEREN ELMALIACH is a surviving heir at law of EMI ELMALIACH under the  
28

1 Inheritance Law and is authorized by the provisions of Part 5 of the Inheritance Law to bring this  
2 action on behalf of the Estate of EMI ELMALIACH.

3 10. Plaintiff JAN ELMALIACH is the minor son of plaintiff KEREN ELMALIACH  
4 and decedent EMI ELMALIACH, and a surviving heir at law of EMI ELMALIACH under the  
5 Inheritance Law.

6 11. Plaintiffs JACOB ELMALIACH and ARLETTE ELMALIACH are the parents of  
7 decedent EMI ELMALIACH.

8 12. Plaintiff SHANI BEN SAADON is the widow of decedent MICHAEL BEN  
9 SAADON, who was killed in the January 29, 2007 bombing. Plaintiff SHANI BEN SAADON is  
10 a surviving heir at law of MICHAEL BEN SAADON under the Inheritance Law and is  
11 authorized by the provisions of Part 5 of the Inheritance Law to bring this action on behalf of the  
12 Estate of MICHAEL BEN SAADON.

13 13. Plaintiff NEHORAI BEN SAADON is the minor son of plaintiff SHANI BEN  
14 SAADON and decedent MICHAEL BEN SAADON, and a surviving heir at law of MICHAEL  
15 BEN SAADON under the Inheritance Law.

16 14. Plaintiffs ARLETTE BEN SAADON, ARIK BEN SAADON and IRIS BEN  
17 SAADON are, respectively, the mother, brother and sister of decedent MICHAEL BEN  
18 SAADON.

19 15. Plaintiff ETTIE BELASON is the widow of decedent PHILIP BELASON, who  
20 was killed in a terrorist bombing carried out by the PIJ in Tel Aviv, Israel, on April 17, 2006  
21 (hereinafter: April 17, 2006 bombing). Plaintiff ETTIE BELASON is a surviving heir at law of  
22 PHILIP BELASON under the Inheritance Law and is authorized by the provisions of Part 5 of  
23 the Inheritance Law to bring this action on behalf of the Estate of PHILIP BELASON.

24 16. Plaintiffs URI BELASON, minor, LINOR BELASON, a minor, LIRAN  
25 BELASON and LIITAL BELASON are the children of plaintiff ETTIE BELASON and decedent  
26 PHILIP BELASON and are surviving heirs at law of PHILIP BELASON under the Inheritance  
27 Law.

28

1           17. Plaintiff MIRI EREZ is the widow of decedent VICTOR EREZ, who was killed  
2       in the April 17, 2006 bombing. Plaintiff MIRI EREZ is a surviving heir at law of VICTOR  
3       EREZ under the Inheritance Law and is authorized by the provisions of Part 5 of the Inheritance  
4       Law to bring this action on behalf of the Estate of VICTOR EREZ.

5           18. Plaintiffs AVIV EREZ, TAL EREZ, HADAR EREZ and KEREN HAMIAS are  
6       the children of plaintiff MIRI EREZ and decedent VICTOR EREZ and are surviving heirs at law  
7       of VICTOR EREZ under the Inheritance Law.

8           19. Plaintiff MENACHEM YUNES is the widower of decedent LILY YUNES, who  
9       was killed in the April 17, 2006 bombing. Plaintiff MENACHEM YUNES is a surviving heir at  
10      law of LILY YUNES under the Inheritance Law and is authorized by the provisions of Part 5 of  
11      the Inheritance Law to bring this action on behalf of the Estate of LILY YUNES.

12          20. Plaintiffs TSACH YUNES, minor, ASSAF YUNES, BAT EL YUNES and  
13       LIDOR YUNES are the children of plaintiff MENACHEM YUNES and decedent LILY YUNES  
14       and are surviving heirs at law of LILY YUNES under the Inheritance Law.

15          21. Plaintiffs MIRAIM AMAR, SUSAN REVIVO, TITI GOLDBERG, RACHEL  
16       COHEN, JACKIE HAFUTA and PROSPER HAFUTA are the siblings of decedent BENJAMIN  
17       HAFUTA, who was killed in the April 17, 2006 bombing. Plaintiffs MIRAIM AMAR, SUSAN  
18       REVIVO, TITI GOLDBERG, RACHEL COHEN, JACKIE HAFUTA and PROSPER HAFUTA  
19       are surviving heirs at law of BENJAMIN HAFUTA under the Inheritance Law and are  
20       authorized by the provisions of Part 5 of the Inheritance Law to bring this action on behalf of the  
21       Estate of BENJAMIN HAFUTA.

22          22. Plaintiff RADMILLA SHAULOV is the widow of decedent DAVID SHAULOV,  
23       who was killed in the April 17, 2006 bombing. Plaintiff RADMILLA SHAULOV is a surviving  
24       heir at law of DAVID SHAULOV under the Inheritance Law and is authorized by the provisions  
25       of Part 5 of the Inheritance Law to bring this action on behalf of the Estate of DAVID  
26       SHAULOV.

27

28

1       23. Plaintiffs IDAN SHAULOV, KARIN SHAULOV and EDEN SHAULOV,  
2 minors, are the children of plaintiff RADMILLA SHAULOV and decedent DAVID SHAULOV  
3 and are surviving heirs at law of DAVID SHAULOV under the Inheritance Law.

4       24. Plaintiff MAYA ANIDZAR is the widow of decedent LIOR ELIAHU  
5 ANIDZAR, who was killed in the April 17, 2006 bombing. Plaintiff MAYA ANIDZAR is a  
6 surviving heir at law of LIOR ELIAHU ANIDZAR under the Inheritance Law and is authorized  
7 by the provisions of Part 5 of the Inheritance Law to bring this action on behalf of the Estate of  
8 LIOR ELIAHU ANIDZAR.

9       25. Plaintiffs YOSSI ANIDZAR and YVONNE ANIDZAR are the parents of  
10 decedent LIOR ELIAHU ANIDZAR and are surviving heirs at law of LIOR ELIAHU  
11 ANIDZAR under the Inheritance Law.

12       26. Plaintiffs DAVID ANIDZAR and DALIA AMAR are, respectively, the brother  
13 and sister of decedent LIOR ELIAHU ANIDZAR.

14       27. Plaintiff PURIM YAAKOOV is the widow of decedent YAAKOV  
15 YAAKOOV, who was killed in a terrorist rocket attack carried out by Hamas in Shaar  
16 HaNegev, Israel on November 21, 2006. Plaintiff PURIM YAAKOOV is a surviving heir at  
17 law of YAAKOV YAAKOOV under the Inheritance Law and is authorized by the provisions  
18 of Part 5 of the Inheritance Law to bring this action on behalf of the Estate of YAAKOV  
19 YAAKOOV.

20       28. Plaintiffs SALOMON YAAKOOV and CHANUKA YAAKOOV, minors, are  
21 the children of plaintiff PURIM YAAKOOV and decedent YAAKOV YAAKOOV and are  
22 surviving heirs at law of YAAKOV YAAKOOV under the Inheritance Law.

23       29. Plaintiff AMIR RAGOLSKY is the widower of decedent DANA GALKOWICZ,  
24 who was killed in a terrorist rocket attack carried out by Hamas in Nativ Ha'asrah, Israel on  
25 July 14, 2005. Plaintiff AMIR RAGOLSKY is a surviving heir at law of DANA GALKOWICZ  
26 under the Inheritance Law and is authorized by the provisions of Part 5 of the Inheritance Law to  
27 bring this action on behalf of the Estate of DANA GALKOWICZ.

28

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## COMPLAINT FOR DAMAGES

1           30. Plaintiffs PERLA GALKOWICZ and NATAN GALKOWICZ are the parents of  
2 decedent DANA GALKOWICZ and are surviving heirs at law of DANA GALKOWICZ under  
3 the Inheritance Law.

4           31. Plaintiffs SHARON GALKOWICZ and ORIAN GALKOWICZ are, respectively,  
5 the sister and brother of decedent DANA GALKOWICZ.

6           32. Plaintiff MICHAEL SLUTZKER is the widower of decedent FATIMA  
7 SLUTZKER, who was killed in a terrorist rocket attack carried out by Hamas in Sderot, Israel on  
8 November 15, 2006. Plaintiff MICHAEL SLUTZKER is a surviving heir at law of FATIMA  
9 SLUTZKER under the Inheritance Law and is authorized by the provisions of Part 5 of the  
10 Inheritance Law to bring this action on behalf of the Estate of FATIMA SLUTZKER.

11          33. Plaintiffs NATALIA SLUTZKER and IGOR SLUTZKER are the daughter and  
12 son of decedent FATIMA SLUTZKER and are surviving heirs at law of FATIMA SLUTZKER  
13 under the Inheritance Law.

14          34. Plaintiffs YONATAN ABUKASIS and SIMA ABUKASIS are the parents of  
15 decedent ELLA ABUKASIS, who was killed in a terrorist rocket attack carried out by Hamas in  
16 Sderot, Israel on January 15, 2005. Plaintiffs YONATAN ABUKASIS and SIMA ABUKASIS  
17 are the surviving heirs at law of ELLA ABUKASIS under the Inheritance Law and are  
18 authorized by the provisions of Part 5 of the Inheritance Law to bring this action on behalf of the  
19 Estate of ELLA ABUKASIS.

20          35. Plaintiff RON ABUKASIS, YAAKOV TAMIR ABUKASIS, minor, KEREN  
21 ABUKASIS and SHLOMIT ABUKASIS are the siblings of decedent ELLA ABUKASIS.

22          36. Plaintiffs AVRAHAM COHEN and COREEN COHEN are the parents of  
23 plaintiff MATAN COHEN, minor. Plaintiff MATAN COHEN was severely injured in a terrorist  
24 rocket attack carried out by Hamas in Sderot, Israel on December 26, 2006.

25          37. Plaintiffs HILLEL BASAD and BRURIA BASAD are the parents of plaintiff  
26 ADIR BASAD, minor. Plaintiff ADIR BASAD was severely injured in a terrorist rocket attack  
27 carried out by Hamas in Sderot, Israel on December 26, 2006.

38. Plaintiff YOCHANAN COHEN was severely injured in a terrorist rocket attack carried out by Hamas in Sderot, Israel on May 13, 2004.

39. Plaintiffs are informed and believe and thereon allege that at all times herein mentioned. Defendant the BANK OF CHINA LIMITED (hereinafter BOC) is, and was, a corporation headquartered in and organized under the laws of the People's Republic of China (hereinafter PRC), which has a branch at 444 South Flower St., Los Angeles, California, and does extensive business in the State of California.

## **GENERAL ALLEGATIONS**

## The Palestine Islamic Jihad and Hamas

40. The PIJ and Hamas were founded in the Gaza Strip during the 1980s.

41. The PIJ and Hamas are radical terrorist organizations. The openly-declared goal of PIJ and Hamas is the creation of an Islamic state in the territory of Israel, the West Bank and the Gaza Strip, and the destruction of the State of Israel and the murder or expulsion of its Jewish residents. The PIJ and Hamas seek to achieve this goal by carrying out terrorist attacks against Jewish civilians in Israel, the West Bank and the Gaza Strip. The PIJ and Hamas proudly and openly acknowledge that they use terrorism to achieve their political goals.

42. Between the time of their founding and January 29, 2007 (and until the present day), PIJ and Hamas have carried out thousands of terrorist attacks in Israel, the West Bank and the Gaza Strip, in which scores of Israeli and U.S. citizens were murdered and hundreds more wounded.

43. Between the time of their founding and January 29, 2007, the policy and practice of the PIJ and Hamas of carrying out terrorist attacks was and is notorious and well known to the public at large, including Defendant BOC.

44. Between 1999 and January 29, 2007, the courts of the United States published a large number of decisions finding that PIJ and Hamas were responsible for terrorist attacks in which American and Israeli citizens were killed or injured.

45. The PFLJ and Hamas have been designated by the United States as a Foreign

1      Terrorist Organization ("FTO") continuously since 1997 and as a Specially Designated Global  
2      Terrorist ("SDGT") continuously since 2001.

3      **The Terrorist Attacks**

4      46.     The plaintiffs were injured and their decedents were killed by a series of terrorist  
5      attacks (hereinafter: Terrorist Attacks) carried out by the PIJ and Hamas, as detailed below.

6      47.     On June 28, 2004, Hamas fired a rocket from the Gaza Strip at the town of Sderot,  
7      Israel. The rocket killed decedent AFIK ZAHAVI, a four year-old boy who was on his way to  
8      nursery school, and severely injured his mother, Plaintiff RUTHIE ZAHAVI. This rocket attack  
9      also killed decedent MORDECHAI YOSEFOV, a 49 year-old man.

10     48.     As a result of the June 28, 2004 rocket attack Plaintiff RUTHIE ZAHAVI  
11    suffered severe physical, psychological, emotional and financial harm and decedent AFIK  
12    ZAHAVI suffered extreme conscious pain, death and financial harm.

13     49.     As a result of the June 28, 2004 rocket attack, Plaintiffs EDWARD YOSEFOV,  
14    ALBINA IVRAGIMOV and RAYA TAMAROV suffered severe psychological, emotional and  
15    financial harm, and decedent MORDECHAI YOSEFOV extreme conscious pain, death and  
16    financial harm.

17     50.     On January 29, 2007, the PIJ carried out a terrorist bombing at a bakery in Eilat,  
18    Israel. Decedents EMI ELMALIACH and MICHAEL BEN SAADON, the proprietors of the  
19    bakery, were killed in the bombing.

20     51.     As a result of the January 29, 2007 bombing, Plaintiffs KEREN ELMALIACH,  
21    JAN ELMALIACH, JACOB ELMALIACH, ARLETTE ELMALIACH, SHANI BEN  
22    SAADON, NEHORAI BEN SAADON, ARLETTE BEN SAADON, ARIK BEN SAADON and  
23    IRIS BEN SAADON suffered severe psychological, emotional and financial harm, and  
24    decedents EMI ELMALIACH and MICHAEL BEN SAADON suffered extreme conscious pain,  
25    death and financial harm.

26     52.     On April 17, 2006, in the midst of the Passover holiday, the PIJ carried out a  
27    suicide bombing at the Rosh Ha'ir restaurant near the old central bus station in Tel Aviv, which  
28    was filled with diners. Decedents PHILIP BELASON, VICTOR EREZ, LILY YUNES,

1 BENJAMIN HAFUTA, DAVID SHAULOV and LIOR ELIAHU ANIDZAR were killed in that  
2 bombing.

3 53. As a result of the April 17, 2006 bombing, plaintiffs ETTIE BELASON, URI  
4 BELASON, LINOR BELASON, LIRAN BELASON; LITAL BELASON; MIRI EREZ, AVIV  
5 EREZ, TAL EREZ, HADAR EREZ, KEREN HAMIAS, MENACHEM YUNES, TSACH  
6 YUNES, ASSAF YUNES, BAT EL YUNES, LIDOR YUNES, MIRAIM AMAR, SUSAN  
7 REVIVO, TITI GOLDBERG, RACHEL COHEN, JACKIE HAFUTA, PROSPER HAFUTA,  
8 RADMILLA SHAULOV, IDAN SHAULOV, KARIN SHAULOV, EDEN SHAULOV, MAYA  
9 ANIDZAR, YOSSI ANIDZAR, YVONNE ANIDZAR, DAVID ANIDZAR and DALIA AMAR  
10 suffered severe psychological, emotional and financial harm, and decedents PHILIP BELASON,  
11 VICTOR EREZ, LILY YUNES, BENJAMIN HAFUTA, DAVID SHAULOV and LIOR  
12 ELIAHU ANIDZAR suffered extreme conscious pain, death and financial harm.

13 54. On November 21, 2006, Hamas fired a rocket from the Gaza Strip at a poultry  
14 factory in Shaar HaNegev, Israel. The rocket mortally wounded decedent YAAKOV  
15 YAAKOOV, a forklift operator at the plant, who died of his wounds later that day.

16 55. As a result of the November 21, 2006 attack, Plaintiffs PURIM YAAKOOV,  
17 SALOMON YAAKOOV and CHANUKA YAAKOOV suffered severe psychological,  
18 emotional and financial harm and decedent YAAKOV YAAKOOV suffered extreme conscious  
19 pain, death and financial harm.

20 56. On July 14, 2005, Hamas fired a rocket from the Gaza Strip at Nativ Ha'asrah,  
21 Israel. The rocket killed Decedent DANA GALKOWICZ, a college student, and wounded her  
22 common law spouse Plaintiff AMIR RAGOLSKY.

23 57. As a result of the July 14, 2005 attack, plaintiff AMIR RAGOLSKY suffered  
24 severe physical, psychological, emotional and financial harm, plaintiffs PERLA GALKOWICZ,  
25 NATAN GALKOWICZ, SHARON GALKOWICZ and ORIAN GALKOWICZ suffered severe  
26 psychological, emotional and financial harm and decedent DANA GALKOWICZ suffered  
27 extreme conscious pain, death and financial harm.

1           58.     On November 15, 2006, Hamas fired a rocket from the Gaza Strip at Sderot,  
2     Israel. That rocket killed 57 year-old FATIMA SLUTZKER in the presence of her husband,  
3     Plaintiff MICHAEL SLUTZKER.

4           59.     As a result of the November 15, 2006 attack, Plaintiffs MICHAEL SLUTZKER,  
5     NATALIA SLUTZKER and IGOR SLUTZKER suffered severe psychological, emotional and  
6     financial harm, and decedent FATIMA SLUTZKER suffered extreme conscious pain, death and  
7     financial harm.

8           60.     On January 15, 2005, Hamas fired a rocket from the Gaza Strip at Sderot, Israel.  
9     That rocket killed 17 year-old ELLA ABUKASIS and wounded her ten year-old brother,  
10    Plaintiff YAAKOV TAMIR ABUKASIS, whom ELLA sheltered with her body thereby saving  
11    his life and sacrificing her own.

12          61.     As a result of the January 15, 2005 attack Plaintiff YAAKOV TAMIR  
13    ABUKASIS suffered severe physical, psychological, emotional and financial harm, Plaintiffs  
14    YONATAN ABUKASIS, SIMA ABUKASIS, RON ABUKASIS, KEREN ABUKASIS and  
15    SHLOMIT ABUKASIS suffered severe psychological, emotional and financial harm and  
16    decedent ELLA ABUKASIS suffered extreme conscious pain, death and financial harm.

17          62.     On December 26, 2006, Hamas fired a rocket from the Gaza Strip at Sderot,  
18     Israel. That rocket severely wounded Plaintiffs MATAN COHEN and ADIR BASAD.

19          63.     As a result of the December 26, 2006 attack Plaintiffs MATAN COHEN and  
20    ADIR BASAD suffered severe physical, psychological, emotional and financial harm, and  
21    Plaintiffs AVRAHAM COHEN, COREEN COHEN, HILLEL BASAD and BRURIA BASAD  
22    suffered severe psychological, emotional and financial harm.

23          64.     On December 26, 2006, Hamas fired a rocket from the Gaza Strip at Sderot,  
24     Israel, which severely wounded Plaintiff YOCHANAN COHEN. As a result of that attack,  
25    Plaintiff YOCHANAN COHEN suffered severe physical, psychological, emotional and financial  
26    harm.

27                 **Bank of China's Provision of Banking Services to the PIJ and Hamas**

28          65.     The PIJ and Hamas are subject to strict economic sanctions programs imposed by

1 the United States as the result of their designation as FTOs and SDGTs (collectively hereinafter:  
2 "U.S. Sanctions Regime").

3       66. The U.S. Sanctions Regime is intended to prevent PIJ and Hamas from  
4 conducting banking activities, and thereby limit their ability to plan, to prepare and to carry out  
5 terrorist attacks.

6       67. The U.S. Sanctions Regime is effective when it is observed and enforced. PIJ and  
7 Hamas are unable to conduct banking activities via banks and other financial institutions which  
8 observe and enforce the U.S. Sanctions Regime.

9       68. If all banks and financial institutions around the world observed and enforced the  
10 U.S. Sanctions Regime, the ability of PIJ and Hamas to conduct banking activities would be  
11 severely restricted, and the ability of PIJ and Hamas to plan, to prepare and to carry out terrorist  
12 attacks would be significantly reduced.

13       69. Nearly all banks and financial institutions around the world observe and enforce  
14 the U.S. Sanctions Regime. The PIJ and Hamas are therefore forced to conduct its banking  
15 activities using those very few banks and financial institutions which do not observe and enforce  
16 the U.S. Sanctions Regime.

17       70. Defendant BOC does not observe or enforce the U.S. Sanctions Regime.

18       71. Beginning in July 2003, BOC began to provide extensive banking services to PIJ  
19 and Hamas. Specifically, between 2003 and the date of the Terrorist Bombing, BOC executed  
20 dozens of wire transfers for the PIJ and Hamas, totaling several million dollars. These dollar  
21 transfers were initiated by the PIJ and Hamas leadership in Iran, Syria and elsewhere in the  
22 Middle East, and were executed by and through BOC's branches in the United States. Most of  
23 these transfers were made to account number 4750401-0188-150882-6 at a BOC branch in  
24 Guangzhou, China, in the name of "S.Z.R Alshurafa." The owner of the account, Said al-Shurafa  
25 ("Shurafa") is a senior operative and agent of the PIJ and of Hamas. Other dollar transfers were  
26 made by PIJ via BOC's branches in the United States to another account belonging to Shurafa at  
27 the same BOC branch in Guangzhou. The wire transfers referred to in this paragraph are referred  
28 to collectively hereinafter as the "Wire Transfers."

1           72. Pursuant to instructions from the PIJ and Hamas, upon receiving the Wire  
2 Transfers in his BOC accounts Shurafa moved the sums to the PIJ and Hamas terrorist leadership  
3 in Israel, the West Bank and the Gaza Strip, for the purpose of planning, preparing for and  
4 executing terrorist attacks.

5           73. Terrorist organizations such as PIJ and Hamas need wire transfer and other  
6 banking services in order to plan, to prepare for and to carry out terrorist attacks.

7           74. Provision of wire transfer or other banking services to PIJ and Hamas enables PIJ  
8 and Hamas to plan, to prepare for and to carry out terrorist attacks, and enhances the ability of  
9 the PIJ and Hamas to plan, to prepare for and to carry out such attacks.

10          75. PIJ and Hamas carried out the Wire Transfers in order to transfer and receive  
11 funds necessary for planning, preparing and carrying out terrorist activity, including the Terrorist  
12 Attacks in which the instant plaintiffs were harmed.

13          76. The Wire Transfers substantially increased and facilitated the ability of the PIJ  
14 and Hamas to plan, to prepare for and to carry out terrorist attacks on civilians, including the  
15 Terrorist Attacks in which the instant plaintiffs were harmed.

16          77. The Wire Transfers were enabled, facilitated and proximately caused by the  
17 conduct of Defendant BOC described herein. As the result of BOC's conduct, the PIJ and Hamas  
18 were able to transfer million of dollars in funds to their terrorist leadership in Israel, the West  
19 Bank and the Gaza Strip, which substantially increased and facilitated their ability to plan and  
20 carry out terrorist attacks, including the Terrorist Attacks in which the instant plaintiffs were  
21 harmed. The Terrorist Attacks in which the instant plaintiffs were harmed were thereby enabled,  
22 facilitated and proximately caused by the conduct of Defendant BOC described herein.

23          78. Plaintiffs' injuries are therefore the direct and proximate result of Defendant  
24 BOC's conduct.

25          79. At all times, BOC had actual knowledge that the Wire Transfers were being made  
26 by the PIJ and Hamas for the purpose of carrying out terrorist attacks, and that the Wire  
27 Transfers enhanced the ability of the PIJ and Hamas to plan, prepare for and carry out such  
28 attacks. In April 2005, officials of the counterterrorism division of the Office of the Prime

1     Minister of the State of Israel (collectively hereinafter: "Israeli officials") met with officials of  
 2     the PRC's Ministry of Public Security and the PRC's central bank (collectively hereinafter:  
 3     "PRC officials") regarding the Wire Transfers. At that meeting in April 2005, the Israeli officials  
 4     emphasized to the PRC officials that the Wire Transfers were being made by the PIJ and Hamas  
 5     for the purpose of carrying out terrorist attacks, and that the Wire Transfers enhanced the PIJ's  
 6     and Hamas' ability to plan, prepare for and carry out such attacks. At that April 2005 meeting,  
 7     the Israeli officials demanded that the PRC officials take action to prevent BOC from making  
 8     further such transfers. The PRC officials notified the BOC of both the facts presented by the  
 9     Israeli officials and their demand the BOC halt the Wire Transfers, but the BOC (with the  
 10    approval of the PRC) ignored this demand and continued to carry out further Wire Transfers  
 11    between April 2005 and January 29, 2007 (and subsequently).

12       80. Even prior to the Israeli officials' demand to halt the Wire Transfers, BOC knew  
 13    and/or should have known that the Wire Transfers were being made for illegal purposes, *inter*  
 14    *alia* in light of the following facts:

- 15           a.     Most of the Wire Transfers were made in cash;
- 16           b.     Most of the Wire Transfers were withdrawn by Shurafa on the same day they  
                 were received or on the following day, often in cash;
- 17           c.     The sums involved were large, mostly in the range of \$100,000 or more;
- 18           d.     The intervals between transfers were often short (weeks or days) and the sums  
                 transferred were often identical or similar. For example, many of the transfers  
                 were for \$99,960, \$99,970 or \$99,990;
- 19           e.     Many of the transfers were for round figures;
- 20           f.     Many of the transfers were structured to be slightly less than round figures.  
                 For example, many of the transfers were for \$99,960, \$99,970, \$99,990 or  
                 \$199,965;
- 21           g.     This pattern of transfers continued for a period of years;

1                   h.     The Wire Transfers have no business or apparent lawful purpose, and there  
2                   was no reasonable explanation for them.

3               81.     The facts enumerated in the previous paragraph are universally recognized by all  
4                   professional bankers, including Defendant BOC and its employees, as typical indicia of  
5                   transactions made for illegal purposes.

6               82.     Even prior to the Israeli officials' demand to halt the Wire Transfers, BOC knew  
7                   and/or should have known that the Wire Transfers were being made for illegal purposes because  
8                   BOC had and has statutory duties, *inter alia* under United States law and under the rules  
9                   promulgated by the Financial Action Task Force ("FATF"), to monitor, report and refuse to  
10                  execute suspicious and/or irregular banking transactions. The Wire Transfers were facially  
11                  suspicious and irregular in light of each and all of the facts enumerated in paragraph 80. By  
12                  executing the Wire Transfers, Defendant BOC breached its statutory duties to monitor, report  
13                  and refuse to execute suspicious and/or irregular banking transactions.

14               83.     Even prior to the Israeli officials' demand to halt the Wire Transfers, BOC knew  
15                   and/or should have known that the Wire Transfers were being made for illegal purposes because  
16                   BOC had and has statutory duties, *inter alia* under United States law and the rules promulgated  
17                   by FATF, to know its customers and perform due diligence. By executing the Wire Transfers,  
18                  BOC breached its statutory duties to know its customers and perform due diligence.

19                   **FIRST CAUSE OF ACTION**

20                   **NEGLIGENCE**

21                   **(By All Plaintiffs Against Defendant BOC)**

22                   **Under the Law of the State of Israel**

23               84.     Plaintiffs allege and incorporate as though fully set forth herein Paragraphs 1  
24                  through 83, above.

25               85.     Causes of action in tort in Israeli law are codified in the *Civil Wrongs Ordinance*  
26                  (*New Version*) - 1968, hereinafter "CWO"). The CWO provides that any person injured or  
27

1       harmed by the civil wrongs enumerated in the CWO is entitled to relief from the person liable or  
2       responsible for the wrong.

3           86.     CWO § 35 creates a "civil wrong" of Negligence.

4           87.     CWO § 35 provides that a person is liable for the civil wrong of Negligence when  
5       he commits an act which a reasonable and prudent person would not have committed under the  
6       same circumstances; or restrains from committing an act which a reasonable and prudent person  
7       would have committed under the same circumstances; or, in the performance of his occupation,  
8       does not use the skill or exercise the degree of caution which a reasonable person qualified to act  
9       in that occupation would have used or exercised under the same circumstances, and thereby  
10      causes damage to another person toward whom, under those circumstances he is obligated not to  
11      act as he did.

12           88.     CWO § 36 provides that the obligation stated in the last sentence of § 35 is toward  
13      all persons, to the extent that a reasonable person would have under the same circumstances  
14      foreseen that, in the ordinary course of events, they were liable to be injured by the act or  
15      omission.

16           89.     Under binding precedent of the Israeli Supreme Court, the tort of Negligence also  
17      includes intentional and/or reckless conduct.

18           90.     By carrying out the Wire Transfers, Defendant BOC performed acts which a  
19       reasonable and prudent person would not have committed under the same circumstances, within  
20       the meaning of the CWO.

21           91.     Defendant BOC restrained from committing acts which a reasonable and prudent  
22       person would have committed under the same circumstances, within the meaning of the CWO, in  
23       that, *inter alia*, Defendant BOC failed to comply with its statutory obligations under United  
24       States law and the FATF rules to know its customers and perform due diligence, and to monitor,  
25       report and refuse to execute illegal, suspicious and/or irregular banking transactions.

26           92.     Defendant BOC did not, in the performance of its occupation, use the skill or  
27       exercise the degree of caution which a reasonable person qualified to act in that occupation  
28       would have used or exercised under the same circumstances, within the meaning of the CWO, in

that, *inter alia*, BOC carried out the Wire Transfers, failed to comply with its statutory obligations to know its customers and perform due diligence, and failed to monitor, report and refuse to execute illegal, suspicious and or irregular banking transactions.

93. Defendant BOC acted negligently in connection with the plaintiffs and the decedents, toward whom, in the circumstances described herein, defendant BOC had an obligation not to act as it did. Defendant BOC was obligated not to act as it did because a reasonable person would, under the same circumstances, have foreseen that, in the ordinary course of events, persons such as the decedents and the plaintiffs were liable to be harmed by defendant BOC's acts and omissions described herein.

94. Defendant BOC's behavior constitutes Negligence under the CWO, and that negligent behavior was the proximate cause of the plaintiffs' harm, which includes: death; severe physical injuries, pain and suffering; loss of pecuniary support; loss of income; loss of consortium; emotional distress; loss of society and companionship and loss of solatium, in a sum in excess of the minimum jurisdictional limits of this court.

95. Defendant BOC is therefore liable for the full amount of plaintiffs' compensatory damages.

96. Under Israeli case law a plaintiff harmed by an act of Negligence caused by intentional or reckless conduct is entitled to punitive damages.

97. Defendant BOC's conduct was criminal in nature, dangerous to human life, outrageous, intentional, reckless and malicious, and so warrants an award of punitive damages.

## **SECOND CAUSE OF ACTION**

## BREACH OF STATUTORY DUTY

(By All Plaintiffs Against Defendant BOC)

### **Under the Law of the State of Israel**

27           98. Plaintiffs allege and incorporate as though fully set forth herein Paragraphs 1  
28 through 97 above.

1           99.     CWO § 63 creates a civil wrong of Breach of Statutory Duty defined as the  
2 failure to comply with an obligation imposed under any legal statute, if the legal statute is  
3 intended for the benefit or protection of another person, and if the breach of the statute caused  
4 that person damage of the kind or nature intended to be prevent by the statute.

5           100.    CWO § 63(b) provides that for the purpose of CWO § 63, a statute is deemed to  
6 have been enacted for the benefit or protection of a specific person, if it is intended for the  
7 benefit or protection of that person, or for the benefit or protection of persons in general, or of  
8 persons of a category or definition to which that specific person belongs.

9           101.    Defendant BOC breached and failed to comply with obligations imposed upon it  
10 by numerous statutes, which were intended for the benefit and protection of persons in general,  
11 and for the benefit and protection of persons of the type, category and definition to which  
12 plaintiffs and the decedents belong, within the meaning of the CWO.

13          102.    The statutory obligations breached by defendant BOC include, without limitation,  
14 the provisions of the following enactments:

- 15        a.   The Bank Secrecy Act (31 U.S.C. § 5311 *et seq.*);
- 16        b.   31 C.F.R. Part 103;
- 17        c.   18 U.S.C. §§ 2331–2339 (criminal prohibitions on provision of material support  
18           and resources, including banking services, to terrorist organizations).

20          103.    All of the statutory enactments listed above are intended for the benefit and  
21 protection of persons in general, for the specific benefit and protection of innocent civilians such  
22 as the plaintiffs and the decedents, in that all of the statutory enactments listed above are  
23 intended to protect all such persons from terrorist attacks and from all the damages which  
24 terrorist attacks are liable to inflict.

25          104.    Defendant BOC's breach of its statutory obligations was the proximate cause of  
26 the harm to the plaintiffs and the death of the decedents, and caused plaintiffs and the decedents  
27 damage of the kind and nature intended to be prevented by the statutory enactments which were  
28 breached by BOC, including: death; severe physical injuries, pain and suffering; loss of

1        pecuniary support; loss of income; loss of consortium; emotional distress; loss of society and  
2        companionship and loss of solatium, in a sum in excess of the minimum jurisdictional limits of  
3        this court.

4              105.   Defendant BOC committed the civil wrong of Breach of Statutory Duty under  
5        CWO § 63, and is therefore liable for the full amount of plaintiffs' damages.

6              106.   Under Israeli case law a plaintiff harmed by an intentional or reckless Breach of  
7        Statutory Duty is entitled to punitive damages.

8              107.   Defendant BOC's conduct was criminal in nature, dangerous to human life,  
9        outrageous, intentional, reckless and malicious, and so warrants an award of punitive damages.

10              **THIRD CAUSE OF ACTION**

11              **VICARIOUS LIABILITY**

12              **(By All Plaintiffs Against Defendant BOC)**

13              **Under the Law of the State of Israel**

14              108.   Plaintiffs allege and incorporate as though fully set forth herein Paragraphs 1  
15        through 107 above.

16              109.   Defendant BOC provided PIJ and Hamas with banking services which enabled,  
17        facilitated, supported and assisted PIJ and Hamas to carry out the Terrorist Attacks in which  
18        plaintiffs were harmed and the decedents killed.

19              110.   Vicarious liability principles are recognized in Israeli law in § 12 of the CWO,  
20        which provides that a person who participates in, assists, advises or solicits an act or omission,  
21        committed or about to be committed by another person, or who orders, authorizes, or ratifies  
22        such an act or omission, is liable for such act or omission.

23              111.   Defendant BOC assisted PIJ and Hamas to carry out the Terrorist Attacks and is  
24        therefore liable under CWO § 12 for the full amount of plaintiffs' damages, described above, in a  
25        sum in excess of the minimum jurisdictional limits of this court.

26              112.   Under Israeli case law a plaintiff harmed by intentional or reckless conduct is  
27        entitled to punitive damages.

1           113. Defendant BOC's conduct was criminal in nature, dangerous to human life,  
2           outrageous, intentional, reckless and malicious, and so warrants an award of punitive damages.

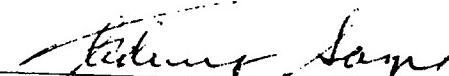
3           **WHEREFORE**, Plaintiffs pray for judgment against Defendant, for each cause of action,  
4           as follows:

- 5           1.       For loss of financial support;
- 6           2.       For general damages for loss of love, aid, comfort and society, in an amount to be  
7           proven at time of trial;
- 8           3.       For conscious pain and suffering;
- 9           4.       For damages for medical and related expenses according to proof;
- 10          5.       For damages for loss of earnings according to proof;
- 11          6.       For other and further general and special damages in a sum according to proof at  
12          the time of trial;
- 13          7.       For punitive damages;
- 14          8.       For interest according to law;
- 15          9.       For costs of suit incurred herein; and
- 16          10.      For such other and further relief as this Court deems just and proper.

18           Dated: August 21, 2008

19           **LAW OFFICES OF FEDERICO C. SAYRE**

21          By:



22           Federico C. Sayre  
23           Attorneys for Plaintiffs

25           NITSANA DARSHAN-LEITNER & CO.  
26           Nitsana Darshan-Leitner, Adv.  
27           *Israeli Counsel for Plaintiffs*  
28           10 Hata'as Street  
             Ramat Gan, 52512  
             Israel

1  
2                   **DEMAND FOR JURY TRIAL**  
3

4                   Plaintiffs hereby demand a trial by jury in the above-entitled action.  
5

6                   Dated: August 21, 2008  
7

8                   **LAW OFFICES OF FEDERICO C. SAYRE**  
9

10                  By: Federico C. Sayre  
11                  Federico C. Sayre  
12                  Attorney for Plaintiffs  
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**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES  
NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE**

**Case Number**

**THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT**

**Your case is assigned for all purposes to the judicial officer indicated below. There is additional information on the reverse side of this form.**

ASSIGNED JUDGE	DEPT	ROOM	ASSIGNED JUDGE	DEPT	ROOM
Hon. Gregory Alarcon	36	410	Hon. Mary H. Strobel	32	406
Hon. Conrad Aragon	49	509	Hon. Ernest M. Hiroshige	54	512
Hon. Helen I. Bendix	18	308	Hon. Jane L. Johnson	56	514
Hon. Elihu M. Berle	42	416	Hon. Ann I. Jones	40	414
Hon. (pending)	23	315	Hon. Ruth Ann Kwan	72	731
Hon. Kevin C. Brazile	20	310	Hon. (pending)	33	409
Hon. Soussan G. Bruguera	71	729	Hon. Malcolm H. Mackey	55	515
Hon. Susan Bryant-Deason	52	510	Hon. Rita Miller	16	306
Hon. Luis A. Lavin	13	630	Hon. David L. Minning	61	632
Hon. Victoria Chaney*	324	CCW	Hon. Aurelio Munoz	47	507
Hon. Judith C. Chirlin	19	311	Hon. Mary Ann Murphy	25	317
Hon. Ralph W. Dau	57	517	Hon. Joanne O'Donnell	37	413
Hon. Maureen Duffy-Lewis	38	412	Hon. Yvette M. Palazuelos	28	318
Hon. James R. Dunn	26	316	Hon. Mel Red Recana	45	529
Hon. Mark Mooney	68	617	Hon. Alan S. Rosenfield	31	407
Hon. William F. Fahey	78	730	Hon. Teresa Sanchez-Gordon	74	735
Hon. (pending)	51	511	Hon. John P. Shook	53	513
Hon. Edward A. Ferns	69	621	Hon. Ronald M. Sohigian	41	417
Hon. Kenneth R. Freeman	64	601	Hon. Michael C. Solner	39	415
Hon. Richard Fruin	15	307	Hon. Michael L. Stern	62	600
Hon. Terry A. Green	14	300	Hon. Rolf M. Treu	58	516
Hon. Elizabeth A. Grimes	30	400	Hon. Elizabeth Allen White	48	506
Hon. Paul Gutman	34	408	Hon. John Shepard Wiley Jr.	50	508
Hon. Robert L. Hess	24	314	Hon. Mary Thornton-House	17	309
			Other		

### **\*Class Actions**

**Given to the Plaintiff Cross-Complainant Attorney of Record on** JOHN A. CLARKE, Executive Officer-Clerk;

By \_\_\_\_\_, Deputy Clerk

## **INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES**

The following critical provisions of the Chapter Seven Rules, as applicable in the Central District, are summarized for your assistance.

### **APPLICATION**

The Chapter Seven Rules were effective January 1, 1994. They apply to all general civil cases.

### **PRIORITY OVER OTHER RULES**

The Chapter Seven Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

### **CHALLENGE TO ASSIGNED JUDGE**

A challenge under Code of Civil Procedure section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

### **TIME STANDARDS**

Cases assigned to the Individual Calendaring Court will be subject to processing under the following time standards:

**COMPLAINTS:** All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days of filing.

**CROSS-COMPLAINTS:** Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

A Status Conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

### **FINAL STATUS CONFERENCE**

The Court will require the parties at a status conference not more than 10 days before the trial to have timely filed and served all motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested jury instructions, and special jury instructions and special jury verdicts. These matters may be heard and resolved at this conference. At least 5 days before this conference, counsel must also have exchanged lists of exhibits and witnesses and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Eight of the Los Angeles Superior Court Rules.

### **SANCTIONS**

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Seven Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Seven Rules. Such sanctions may be on a party or if appropriate on counsel for the party.

**This is not a complete delineation of the Chapter Seven Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is absolutely imperative.**

### **\*Class Actions**

All class actions are initially assigned to Judge Victoria Chaney in Department 324 of the Central Civil West courthouse (600 S. Commonwealth Ave., Los Angeles 90005). This assignment is for pretrial purposes and for the purpose of assessing whether or not the case is complex within the meaning of California Rules of Court, rule 3.400. Depending on the outcome of that assessment, the class action case may be reassigned to one of the judges of the Complex Litigation Program or reassigned randomly to a court in the Central District.

**LOS ANGELES SUPERIOR COURT**  
**CIVIL ALTERNATIVE DISPUTE RESOLUTION (ADR) PROGRAMS**  
 [CRC 3.221 Information about Alternative Dispute Resolution]

The plaintiff shall serve a copy of the ADR Information package on each defendant along with the complaint.

**ADR PROGRAMS**

"Alternative Dispute Resolution (ADR)" is the term used to describe all the other options available for settling a dispute which once had to be settled in court. ADR processes such as arbitration, mediation, early neutral evaluation (ENE), and settlement conferences, are less formal than court and provide opportunities for litigants to reach an agreement using a problem-solving approach rather than the more adversarial approach of litigation.

**MEDIATION** A neutral third party called a "mediator" helps participants in the dispute create their own resolution. The mediator helps facilitate a discussion in which the parties reach a mutually agreed upon settlement. Therefore, mediation allows for more creative resolutions to disputes than other ADR processes.

The Court Mediation Program is governed by Code of Civil Procedure sections 1775-1775.15, California Rules of Court, Rules 3.850-3.868 and 3.870-3.878, Evidence Code sections 1115-1128, and Los Angeles Superior Court Rules, Chapter 12.

**ARBITRATION** A neutral third party called an "arbitrator" listens to each side in the dispute present its case. The arbitrator, who is an attorney, issues a decision based on the evidence. Although evidence is presented, arbitration is a less formal process than litigation. The decision is non-binding unless the parties agree in writing to binding arbitration.

The Court Arbitration Program is governed by Code of Civil Procedure sections 1141.10-1141.31, California Rules of Court, Rules 3.810-3.830, and Los Angeles Superior Court Rules, Chapter 12.

**ENE** A neutral third party called an "evaluator" will provide the parties and their counsel, on a voluntary basis and in a confidential session, the opportunity to make summary presentations of their claims and defenses, including key evidence. After hearing the presentations, the evaluator, who is an experienced lawyer with subject-matter expertise, offers a non-binding evaluation.

The evaluator will also help clarify, narrow or eliminate issues, identify areas of agreement, offer case-planning suggestions, and, if requested by parties, settlement assistance. Although settlement is not the primary goal of ENE, the ENE process can reduce litigation time and costs and promote settlement.

The Court ENE Program is governed by Los Angeles Superior Court Rules, Chapter 12.

**SETTLEMENT CONFERENCE** A neutral third party called a "settlement officer," who is also a retired judge, assists the parties in negotiating their own settlement and may evaluate the strengths and weaknesses of the case.

**JURISDICTIONAL LIMITATIONS**

**MEDIATION, ARBITRATION & ENE** Any case in which the amount in dispute is between \$25,000-\$50,000 per plaintiff, and was not previously referred to the Court ADR Program, can be sent to the Court ADR Program for mediation, arbitration, or ENE by stipulation, election by plaintiff or order of the court.

Parties may *voluntarily* request or initiate a mediation or arbitration proceeding, regardless of the amount in dispute.

**SETTLEMENT CONFERENCE** Any case, regardless of the amount in dispute, may be ordered to a settlement conference. There is no monetary limit.

**REFERRAL INFORMATION**

After the Court determines the suitability of a case for ADR, the Court directs the parties to the ADR Department to initiate the ADR process. Once the parties have completed the ADR intake forms, a Neutral may be selected.

### NEUTRAL SELECTION

Parties may select a mediator or arbitrator from the Court Party Pay Panel or Pro Bono Panel or may hire someone privately, at their discretion. Parties are assigned to a settlement officer by court staff.

### COURT ADR PANELS

- |                            |   |
|----------------------------|---|
| <b>PARTY PAY<br/>PANEL</b> | The Party Pay Panel consists of mediators and arbitrators who have achieved a specified level of experience in court-connected cases. The parties (collectively) may be charged \$150.00 per hour for the first three hours of hearing time. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the mediator or arbitrator if the parties consent in writing.  |
| <b>PRO BONO<br/>PANEL</b>  | The Pro Bono Panel consists of trained mediators and arbitrators who have not yet gained the experience to qualify for the Party Pay Panel and experienced mediators and arbitrators who make themselves available pro bono. Mediators and arbitrators donate their time to the courts as a way of supporting the judicial system. It is the policy of the Court that all pro bono volunteer mediators and arbitrators provide three hours hearing time per case. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the mediator or arbitrator if the parties consent in writing. |
| <b>ENE</b>                 | The Court ENE Panel consists of experienced lawyers who have been trained to serve as neutral evaluators. The evaluators provide preparation time and three hours hearing time per case at no charge. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the evaluator if the parties consent in writing.  |
| <b>PRIVATE<br/>NEUTRAL</b> | The market rate for private neutrals can range from \$200-\$1,000 per hour.   |

For additional information, visit the Court ADR web application at [www.lasuperiorcourt.org](http://www.lasuperiorcourt.org) (click on ADR).

Partially Funded by the Los Angeles County Dispute Resolution Program

## **LOS ANGELES COUNTY DISPUTE RESOLUTION PROGRAMS ACT (DRPA) CONTRACTORS**

The following organizations provide mediation services under contract with the Los Angeles County Department of Community & Senior Services. Services are provided to parties in any civil case filed in the Los Angeles County Superior Court. Services are not provided under this program to family, probate, traffic, criminal, appellate, mental health, unlawful detainer/eviction or juvenile court cases.

**Asian-Pacific American Dispute Resolution Center**  
**(213) 250-8190**  
(Spanish & Asian languages capability)

**California Academy of Mediation Professionals**  
**(818) 377-7250**

**Center for Conflict Resolution**  
**(818) 380-1840**

**Inland Valleys Justice Center**  
**(909) 397-5780**  
(Spanish language capability)

**Office of the Los Angeles City Attorney Dispute Resolution Program**  
**(213) 485-8324**  
(Spanish language capability)

**Los Angeles County Bar Association Dispute Resolution Services**  
**toll free number 1-877-4Resolve (737-6583) or (213) 896-6533**  
(Spanish language capability)

**Los Angeles County Department of Consumer Affairs**  
**(213) 974-0825**  
(Spanish language capability)

**The Loyola Law School Center for Conflict Resolution**  
**(213) 736-1145**  
(Spanish language capability)

**Martin Luther King Legacy Association Dispute Resolution Center**  
**(323) 290-4132**  
(Spanish language capability)

**City of Norwalk**  
**(562) 929-5603**

**DRPA Contractors do not provide legal advice or assistance, including help with responding to summonses. Accessing these services does not negate any responsibility you have to respond to a summons or appear at any set court date. See the reverse side of this sheet for information on the mediation process and obtaining legal advice.**

**THIS IS A TWO-SIDED DOCUMENT.**

**What is the goal of mediation?**

The goal is to assist the parties in reaching a mutually acceptable agreement or understanding on some or all of the issues. The parties jointly become the primary decision maker in how to resolve the issues as opposed to the traditional judge and/or jury system.

**Do I need an attorney for this?**

While it is recommended to have an attorney and/or receive legal advice before the mediation starts, you are not required to have representation. If you do have an attorney, they may participate in the mediation with you.

**How long does it take?**

Face-to-face mediations generally last one to three hours. Telephone conciliations, in which the parties do not meet face to face, vary from a few days to several weeks. Much depends on the number of parties involved and the complexities of the issues. When the mediation takes place depends on parties scheduling availability.

**A Mediator helps parties...**

- ◆ Have productive discussions
- ◆ Avoid or break impasses
- ◆ Defuse controversy
- ◆ Generate options that have potential for mutual gain
- ◆ Better understand each other's concerns and goals
- ◆ Focus on their interests rather than their positions

**A Mediator does not...**

- ◆ Provide advice or opinions
- ◆ Offer legal information
- ◆ Make decisions for parties
- ◆ Represent or advocate for either side
- ◆ Judge or evaluate anyone or anything
- ◆ Conduct research
- ◆ "Take Sides"

**What does it cost?**

The first three hours of any mediation are free. Thereafter, charges are based on income or revenue. All fees are waived for low-income individuals.

**Legal Advice/Information**

If you want to retain an attorney, a list of state certified referral services is at [courtinfo.ca.gov](http://courtinfo.ca.gov) which also has an on-line self help legal center.

**What is the difference between the contractors listed and the Superior Court ADR Office?**

The services offered by the contractors listed may be accessed immediately. Those offered by the Superior Court ADR Office, also a DRPA contractor, may not be accessed by parties until a court appearance, or at the directive of the judge assigned to the case.

**Self-Help Legal Access Centers** are at the Inglewood, Palmdale, Pomona, and Van Nuys courthouses. [nls-la.org](http://nls-la.org) and [lafla.org](http://lafla.org)

**Court Personnel** can answer non-legal questions (forms, fees, fee waivers). [lasuperiorcourt.org](http://lasuperiorcourt.org)

**Low-income individuals** may qualify for help from non-profit legal organizations. Court Personnel and DRPA contractors have such listings.

**Dispute Resolution Programs Act (DRPA) Grants Administration Office**

(213) 738-2621

(The DRP Office is not a Superior Court Office. Consult your phone directory to locate the number of the Court Office on your summons.)

**THIS IS A TWO-SIDED DOCUMENT.**

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY:	STATE BAR NUMBER	Reserved for Clerk's File Stamp
ATTORNEY FOR (Name): <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>		
COURTHOUSE ADDRESS:		
PLAINTIFF:		
DEFENDANT:		
<b>STIPULATION TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION (ADR)</b>		CASE NUMBER:

The undersigned parties stipulate to participate in an Alternative Dispute Resolution (ADR) process in the above-entitled action, as follows:

- Mediation
- Non-Binding Arbitration
- Binding Arbitration
- Early Neutral Evaluation
- Settlement Conference
- Other ADR Process (describe): \_\_\_\_\_

Dated: \_\_\_\_\_

Name of Stipulating Party  
 Plaintiff  Defendant  Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party  
 Plaintiff  Defendant  Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party  
 Plaintiff  Defendant  Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party  
 Plaintiff  Defendant  Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Additional signature(s) on reverse

Short Title

Case Number

Name of Stipulating Party  
 Plaintiff  Defendant  Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party  
 Plaintiff  Defendant  Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party  
 Plaintiff  Defendant  Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party  
 Plaintiff  Defendant  Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party  
 Plaintiff  Defendant  Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party  
 Plaintiff  Defendant  Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party  
 Plaintiff  Defendant  Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party  
 Plaintiff  Defendant  Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party  
 Plaintiff  Defendant  Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party  
 Plaintiff  Defendant  Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

**STIPULATION TO PARTICIPATE IN  
ALTERNATIVE DISPUTE RESOLUTION (ADR)**

10-14-4  
3-4-08-08  
(10-07)

Civ. Rules of Court, rule 3.221  
Page 2 of 2

# NEW

*from the*  
**LOS ANGELES SUPERIOR COURT**  
**ADR DEPARTMENT**

If you have a general jurisdiction case involving one of these 6 subject matter areas:

- commercial
- employment
- medical malpractice
- real estate
- trade secrets
- unfair competition

***Your case may be eligible for the court's pilot Early Neutral Evaluation (ENE) program.***

- ◆ **ENE can reduce litigation time and costs and promote settlement.**
- ◆ ENE is an informal process that offers a non-binding evaluation by an experienced neutral lawyer with expertise in the subject matter of the case. After counsel present their claims and defenses, the neutral evaluates the case based on the law and the evidence.
- ◆ **ENE is voluntary and confidential.**
- ◆ The benefits of ENE include helping to clarify, narrow or eliminate issues, identify areas of agreement, offer case-planning suggestions and, if requested by the parties, assist in settlement.
- ◆ **The first three (3) hours of the ENE session are free of charge.**

See back for a list of participating pilot courthouses and departments.

*For additional ENE information, visit the Court's web site at [www.lasuperiorcourt.org/adr](http://www.lasuperiorcourt.org/adr)*

## **PARTICIPATING PILOT COURTHOUSES:**

**(General Jurisdiction Case Only)**

- **Chatsworth**
- **Pomona**
- **Santa Monica**
- **Van Nuys**
- **Stanley Mosk** (Departments listed below only.)

Department 15

Department 16

Department 28

Department 30

Department 31

Department 32

Department 38

Department 42

Department 47

Department 50

Department 52

Department 55

Department 56

Department 68

Department 71

Department 89

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)  
**FEDERICO C. SAYRE, ESQ. (SBN 067420)**  
 LAW OFFICES OF FEDERICO C. SAYRE  
 900 N. Broadway, 4th Floor  
 Santa Ana, California 92701

CM-010  
**CONFORMED COPY**  
 OF ORIGINAL FILED  
 Los Angeles Superior Court

TELEPHONE NO. (714) 550-9117 FAX NO. (714) 550-9125  
 ATTORNEY OR PARTY (Name, State Bar number, and address)  
**Plaintiffs**

AUG 21 2008

SUPERIOR COURT OF CALIFORNIA, COUNTY OF  
 STREET ADDRESS 111 NORTH HILL STREET  
 MAILING ADDRESS  
 CITY AND ZIP CODE LOS ANGELES, CA 90012-3117  
 BRANCH NAME CENTRAL DISTRICT

John A. Clarke, Executive Officer/Clerk  
 BY SHAUNA WESLEY, Deputy

CASE NAME: RUTHIE SAHAMI, et al vs. BANK OF CHINA, et al

**CIVIL CASE COVER SHEET**

Unlimited      Limited  
 (Amount demanded exceeds \$25,000)      (Amount demanded is \$25,000 or less)

**Complex Case Designation**  
 Counter      Joinder  
 Filed with first appearance by defendant  
 (Cal. Rules of Court, rule 3.402)

CASE NUMBER  
**DC 08-6714**

JUDGE  
 DEPT

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

**Auto Tort**

Auto (22)  
 Uninsured motorist (46)

**Contract**

Breach of contract/warranty (06)  
 Rule 3.740 collections (09)  
 Other collections (09)  
 Insurance coverage (18)  
 Other contract (37)

**Provisionally Complex Civil Litigation**  
 (Cal. Rules of Court, rules 3.400-3.403)

Antitrust/Trade regulation (03)  
 Construction defect (10)  
 Mass tort (40)  
 Securities litigation (28)  
 Environmental/Toxic tort (30)  
 Insurance coverage claims arising from the above listed provisionally complex case types (41)

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

Asbestos (04)  
 Product liability (24)  
 Medical malpractice (45)  
 Other PI/PD/WD (23)

**Real Property**

Eminent domain/Inverse condemnation (14)  
 Wrongful eviction (33)  
 Other real property (26)

**Enforcement of Judgment**

Enforcement of judgment (20)

**Non-PI/PD/WD (Other) Tort**

Business tort/unfair business practice (07)  
 Civil rights (08)  
 Defamation (13)  
 Fraud (16)  
 Intellectual property (19)  
 Professional negligence (25)  
 Other non-PI/PD/WD tort (35)

**Unlawful Detainer**

Commercial (31)  
 Residential (32)  
 Drugs (38)

**Miscellaneous Civil Complaint**

RICO (27)  
 Other complaint (not specified above) (42)

**Employment**

Wrongful termination (36)  
 Other employment (15)

**Judicial Review**

Asset forfeiture (05)  
 Petition re: arbitration award (11)  
 Writ of mandate (02)  
 Other judicial review (39)

**Miscellaneous Civil Petition**

Partnership and corporate governance (21)  
 Other petition (not specified above) (43)

2. This case  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c.  Substantial amount of documentary evidence
- d. Large number of witnesses
- e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a.  monetary b.

nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): Three (3)

5. This case  is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)  
 Date: August 21, 2008

FEDERICO C. SAYRE, SBN 067420

SIGNATURE OF PARTY OR ATTORNEY FOR PLAINTIFF

- NOTICE
- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
  - File this cover sheet in addition to any cover sheet required by local court rule.
  - If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
  - Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

**CIVIL CASE COVER SHEET**

Legal  
Solutions  
Div.

Ca. Super Court Case Management System  
Cal Standard Jury Instructions

Page 1 of 2

SHORT TITLE: RUTHIE ZAHAVI, et al vs. BANK OF CHINA, et al

CASE NUMBER

LC390714

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:  
 JURY TRIAL     YES CLASS ACTION     YES LIMITED CASE     YES TIME ESTIMATED FOR TRIAL 3 C HOURS 0 DAYS

Item II. Select the correct district and courthouse location (4 steps - If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column B below which best describes the nature of this case.

**Step 3:** In Column C, circle the reason for the court location choice that applies to the type of action you have checked.

For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (See Column C below)**

- |   |  |
|---|--|
| 1. Class Actions must be filed in the County Courthouse, Central District.      | 6. Location of property or permanently garaged vehicle.    |
| 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). | 7. Location where petitioner resides.                      |
| 3. Location where cause of action arose.  | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred.                      | 9. Location where one or more of the parties reside.       |
| 5. Location where performance required or defendant resides.                    | 10. Location of Labor Commissioner Office.                 |

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
Uninsured Motorist (46)	A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Asbestos (04)	A6070 Asbestos Property Damage A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
Product Liability (24)	A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
Medical Malpractice (45)	A7210 Medical Malpractice - Physicians & Surgeons A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort (23)	A7250 Premises Liability (e.g., slip and fall) A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) A7270 Intentional Infliction of Emotional Distress X A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4. 1., 2., 4. 1., 2., 3. 1., 2., 4.
Business Tort (07)	A6029 Other Commercial Business Tort (not fraud/breach of contract)	1., 2., 3.
Civil Rights (08)	A6035 Civil Rights Discrimination	1., 2., 3.
Defamation (13)	A6610 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	A6613 Fraud (no contract)	1., 2., 3.

SHORT TITLE RUTHIE ZAHAVI, et al vs. BANK OF CHINA, et al		CASE NUMBER	
<b>Employment</b> Non Personal Injury Property Damage Wrongful Death Tort (Cont'd.)	<b>A</b> <b>Civil Case Cover Sheet Category No.</b>	<b>B</b> <b>Type of Action (Check only one)</b>	<b>C</b> <b>Applicable Reasons - See Step 3 Above</b>
	Professional Negligence (25)	A6017 Legal Malpractice	1., 2., 3.
		A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
	Other (35)	A6025 Other Non-Personal Injury, Property Damage tort	2., 3.
	Wrongful Termination (36)	A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	A6024 Other Employment Complaint Case A6109 Labor Commissioner Appeals	1., 2., 3. 10.
	Breach of Contract: Warranty (06) (not insurance)	A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) A6019 Negligent Breach of Contract/Warranty (no fraud) A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	A6002 Collections Case-Seller Plaintiff A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	A6009 Contractual Fraud A6031 Tortious Interference A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
<b>Real Property</b> Contract	Eminent Domain/Inverse Condemnation (14)	A7300 Eminent Domain/Condemnation Number of parcels _____	2.
	Wrongful Eviction (33)	A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	A6018 Mortgage Foreclosure A6032 Quiet Title A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
	Unlawful Detainer - Commercial (31)	A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer - Residential (32)	A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer - Drugs (38)	A6022 Unlawful Detainer-Drugs	2., 6.
	Asset Forfeiture (35)	A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 6.

	SHORT-TITLE RUTHIE ZAHAVI, et al vs. BANK OF CHINA, et al	CASE NUMBER
Judicial Review (Cont'd.)	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)
Provisionally Complex Litigation	Writ of Mandate (02)	A6151 Writ - Administrative Mandamus A6152 Writ - Mandamus on Limited Court Case Matter A6153 Writ - Other Limited Court Case Review
Enforcement of Judgment	Other Judicial Review (39)	A6150 Other Writ. Judicial Review
Miscellaneous Civil Complaints	Antitrust Trade Regulation (03)	A6003 Antitrust Trade Regulation
Miscellaneous Civil Petitions	Construction Defect (10)	A6007 Construction defect
	Claims Involving Mass Tort (40)	A6006 Claims Involving Mass Tort
	Securities Litigation (28)	A6035 Securities Litigation Case
	Toxic Tort Environmental (30)	A6036 Toxic Tort/Environmental
	Insurance Coverage Claims from Complex Case (41)	A6014 Insurance Coverage/Subrogation (complex case only)
	RICO (27)	A6033 Racketeering (RICO) Case
	Other Complaints (Not Specified Above) (42)	A6030 Declaratory Relief Only A6040 Injunctive Relief Only (not domestic/harassment) A6011 Other Commercial Complaint Case (non-tort/non-complex) A6000 Other Civil Complaint (non-tort/non-complex)
	Partnership Corporation Governance (21)	A6113 Partnership and Corporate Governance Case
	Other Petitions (Not Specified Above) (43)	A6121 Civil Harassment A6123 Workplace Harassment A6124 Elder Dependent Adult Abuse Case A6100 Election Contest A6110 Petition for Change of Name A6170 Petition for Relief from Late Claim Law A6110 Other Civil Petition
	<b>C</b> Applicable Reasons - See Step 3 Above	
		2.. 8. 2. 2. 2.. 8. 1.. 2.. 8. 1.. 2.. 3. 1.. 2.. 8. 1.. 2.. 8. 1.. 2.. 3.. 8. 1.. 2.. 5.. 8. 2.. 9. 2.. 6. 2.. 9. 2.. 8. 2.. 8. 2.. 8.. 9. 1.. 2.. 8. 1.. 2.. 8. 2.. 8. 1.. 2.. 8. 2.. 9. 2.. 3.. 9. 2.. 3.. 9. 2.. 3.. 9. 2. 2.. 7. 2.. 3.. 4.. 8. 2.. 9.

SHORT TITLE RUTHIE ZAHAVI, et al vs. BANK OF CHINA,  
et al CASE NUMBER

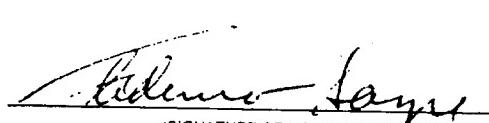
Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected

REASON CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE

1. X	2.	3.	4.	5.	6.	7.	8.	9.	10.	ADDRESS
										444 South Flower Street, 39th Floor
CITY	STATE	ZIP CODE								
Los Angeles	CA	90071								

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the LOS ANGELES SUPERIOR COURT courthouse in the CENTRAL District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: August 21, 2008



(SIGNATURE OF ATTORNEY/FILING PARTY)  
FEDERICO C. SAYRE, ESQ.

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

## **PROOF OF SERVICE**

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is **K&L GATES LLP**, 10100 Santa Monica Boulevard, Seventh Floor, Los Angeles, California 90067.

**On September 22, 2008, I served the foregoing document(s):**

**NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. § 1441(a) –  
ORIGINAL JURISDICTION**

on the interested parties in this action by placing a true copy thereof enclosed in sealed envelope(s) addressed and sent as follows:

Federico Castelan Sayre  
Law Offices of Federico Castelan  
Sayre  
900 North Broadway, 7th Floor  
Santa Ana, California 92701  
Tel: 714-550-9117  
Fax: 714-550-9125

## **Attorneys for PLAINTIFFS**

**FEDERAL:** I declare that I am employed in the office of a member of the bar of this court at whose direction service was made.

Executed on September 22, 2008, at Los Angeles, California.

Cynthia Bishara  
Cynthia Bishara

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Manuel Real and the assigned discovery Magistrate Judge is Jacqueline Chooljian.

The case number on all documents filed with the Court should read as follows:

**CV08- 6236 R (JCx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

Unless otherwise ordered, the United States District Judge assigned to this case will hear and determine all discovery related motions.

**=====**  
**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

**Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

**Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

**Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

<b>I(a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) Ruthie Zahavi, et al. (see attachment)		<b>DEFENDANTS</b> Bank of China Limited				
<b>(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)</b> Federico Castelan Sayre Law Offices of Federico Castelan Sayre 900 North Broadway, 7 <sup>th</sup> Floor Santa Ana, CA 92701 (714) 550-9117		Attorneys (If Known) Dennis M.P. Ehling Hector H. Espinosa K&L Gates LLP 10100 Santa Monica Boulevard, 7 <sup>th</sup> Floor Los Angeles, CA 90067 (310) 552-5000				
<b>I. BASIS OF JURISDICTION</b> (Place an X in one box only.)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.)				
<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State	PTF      DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1      Incorporated or Principal Place of Business in this State      PTF      DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4			
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2      Incorporated and Principal Place of Business in Another State      PTF      DEF <input type="checkbox"/> 5 <input type="checkbox"/> 5			
		Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3      Foreign Nation      PTF      DEF <input type="checkbox"/> 6 <input type="checkbox"/> 6			
<b>V. ORIGIN</b> (Place an X in one box only.)						
<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
<b>VI. REQUESTED IN COMPLAINT: JURY DEMAND:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)				<b>MONEY DEMANDED IN COMPLAINT:</b> \$ Unspecified		
<b>VII. CAUSE OF ACTION</b> (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Plaintiffs seek damages for breach of U.S. statutes, including 18 U.S.C. §§ 2331-2339, 31 u.s.c. § 5311 et seq. and 31 C.F.R. Part 103, and or negligence and vicarious liability.						
<b>II. NATURE OF SUIT</b> (Place an X in one box only.)						
<b>OTHER STATUTES</b>		<b>CONTRACT</b>	<b>TORTS</b> <b>PERSONAL INJURY</b>	<b>TORTS</b> <b>PERSONAL PROPERTY</b>	<b>PRISONER OF WAR</b>	<b>LABOR</b>
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	
<b>REAL PROPERTY</b>		<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>IMMIGRATION</b>	<b>CIVIL RIGHTS</b>	<b>PROPERTY</b>	<b>SOCIAL SECURITY</b>
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
						<input type="checkbox"/> 61 HIA(1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWV 405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
						<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

**OR OFFICE USE ONLY:** Case Number:

CV08-06236

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes

If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?  No  Yes

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply)  A. Arise from the same or closely related transactions, happenings, or events; or  
 B. Call for determination of the same or substantially related or similar questions of law and fact; or  
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.  
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District: <sup>*</sup>	California County outside of this District; State, if other than California; or Foreign Country
	Israel

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.  
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District: <sup>*</sup>	California County outside of this District; State, if other than California; or Foreign Country
	China

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

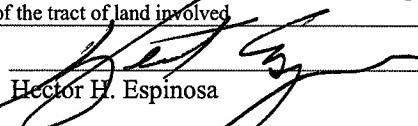
County in this District: <sup>*</sup>	California County outside of this District; State, if other than California; or Foreign Country
	China

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Date September 22, 2008

  
Hector H. Espinosa

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

**List of Plaintiffs**

RUTHIE ZAHAVI as an individual and as statutory representative of the Estate of AFIK ZAHAVI

EDWARD YOSEFOV as an Individual and as statutory representative of the Estate of MORDECHAI YOSEFOV

ALBINA IVRAGIMOV as an Individual and as statutory representative of the Estate of MORDECHAI YOSEFOV

RAYA TAMAROV

KEREN ELMALIACH as an Individual, as statutory representative of the Estate of EMI ELMALIACH and as natural guardian of plaintiff

J. E., a minor

JACOB ELMALIACH

ARLETTE ELMALIACH

SHANI BEN SAADON as an Individual, as statutory representative of the Estate of MICHAEL BEN SAADON and as natural guardian of plaintiff

N. B. S., a minor

ARLETTE BEN SAADON

ARIK BEN SAADON

IRIS BEN SAADON

ETTIE BELASON as an Individual, as statutory representative of the Estate of PHILIP BELASON and as natural guardian of plaintiffs URI BELASON and LINOR BELASON

U. B., a minor

L. B., a minor

LIRAN BELASON

LITAL BELASON

MIRI EREZ as an individual and as statutory representative of the Estate of  
VICTOR EREZ

AVIV EREZ

TAL EREZ

HADAR EREZ

KEREN HAMILAS

MENACHEM YUNES as an Individual, as statutory representative of the Estate of  
LILY YUNES and as natural guardian of plaintiff

T. Y., a minor

ASSAF YUNES

BAT EL YUNES

LIDOR YUNES

MIRAIM AMAR as an Individual and as statutory representative of the Estate of  
BENJAMIN HAFUTA

SUSAN REVIVO as an Individual and as statutory representative of the Estate of  
BENJAMIN HAFUTA

TITI GOLDBERG as an Individual and as statutory representative of the Estate of  
BENJAMIN HAFUTA

RACHEL COHEN as an Individual and as statutory representative of the Estate of  
BENJAMIN HAFUTA

JACKIE HAFUTA as an Individual and as statutory representative of the Estate of  
BENJAMIN HAFUTA

PROSPER HAFUTA as an Individual and as statutory representative of the Estate  
of BENJAMIN HAFUTA

RADMILLA SHAULOV as an Individual , as statutory representative of the Estate  
of DAVID SHAULOV and as natural guardian of plaintiffs

I. S., a minor

K. S., a minor

E. S., a minor

MAYA ANIDZAR as an Individual and as statutory representative of the Estate of LIOR ELIAHU ANIDZAR

YOSSI ANIDZAR

YVONNE ANIDZAR

DAVID ANIDZAR

DALIA AMAR

PURIM YAAKOOV as an Individual, as statutory representative of the Estate of YAAKOV YAAKOOV and as natural guardian of plaintiffs

S. Y., a minor

C. Y., a minor

AMIR RAGOLSKY as an Individual and as statutory representative of the Estate of DANA GALKOWICZ

PERLA GALKOWICZ

NATAN GALKOWICZ

SHARON GALKOWICZ

ORIAN GALKOWICZ

MICHAEL SLUTZKER as an Individual and as statutory representative of the Estate of FATIMA SLUTZKER

NATALIA SLUTZKER

IGOR SLUTZKER

YONATAN ABUKASIS as an Individual, as statutory representative of the Estate of ELLA ABUKASIS and as natural guardian of plaintiff

SIMA ABUKASIS as an Individual, as statutory representative of the Estate of ELLA ABUKASIS and as natural guardian of plaintiff

RON ABUKASIS

Y. T. A., a minor

KEREN ABUKASIS

SHLOMIT ABUKASIS

AVRAHAM COHEN as an Individual and as natural guardian of plaintiff

COREEN COHEN, as an individual and as natural guardian of plaintiff

M. C., a minor

HILLEL BASAD as an Individual and as natural guardian of plaintiff

BRURIA BASAD as an individual and as natural guardian of plaintiff

A. B., a minor

and YOCHANAN COHEN

## **PROOF OF SERVICE**

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is **K&L GATES LLP**, 10100 Santa Monica Boulevard, Seventh Floor, Los Angeles, California 90067.

**On September 22, 2008, I served the foregoing document(s):**

## **CIVIL CASE COVER SHEET**

on the interested parties in this action by placing a true copy thereof enclosed in sealed envelope(s) addressed and sent as follows:

Federico Castelan Sayre  
Law Offices of Federico Castelan Sayre  
900 North Broadway, 7th Floor  
Santa Ana, California 92701  
Tel: 714-550-9117  
Fax: 714-550-9125

## **Attorneys for PLAINTIFFS**

- BY MAIL:** I placed for collection and processing such envelope(s) to be deposited in the mail at Los Angeles, California with postage thereon fully prepaid to the office of the addressee(s) as indicated above. I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day, with postage fully prepaid, in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

**FEDERAL:** I declare that I am employed in the office of a member of the bar of this court at whose direction service was made.

Executed on September 22, 2008, at Los Angeles, California.

Cynthia Bishara  
Cynthia Bishara